

REAL ESTATE BOARD  
MINUTES OF MEETING

March 18, 2010

The Real Estate Board met at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia. The following Board members were present:

Carol Clarke, Chair  
Byrl Taylor, Vice Chair  
Clifford L. Wells  
Nathaniel Brown  
Judith L. Childress  
Marjorie Clark  
Florence Daniels  
Scott Gaeser  
Sharon Johnson

DPOR staff present for all or part of the meeting included:

Jay DeBoer, Director  
Mark Courtney, Deputy Director  
Christine Martine, Executive Director  
Bonnie Rhea Adams, Director of Complaint Analysis, & Resolution  
Liz Hayes, Fair Housing Administrator  
Earlyne Perkins, Legal Analyst  
Kevin Hoeft, Education Administrator  
Emily Trent, Administrative Assistant

Tom Payne from the Office of the Attorney General was present.

Carol Clarke called the meeting to order at 9:10 A.M.

A motion was made by Ms. Clark and seconded by Mr. Wells to approve the agenda. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Taylor and Wells.

There was no public comment.

A motion was made by Mr. Wells and seconded by Ms. Clark to adopt the following minutes: December 9, 2009, Informal Fact-Finding Conference; December 15, 2009, Informal Fact-Finding Conference; January 14, 2010, Informal Fact-Finding

**Call to Order**

**Agenda**

**Public Comment**

**Minutes**

Conference; January 21, 2010, Informal Fact-Finding Conference; January 27, 2010, Informal Fact-Finding Conference; January 28, 2010, Real Estate Board Meeting; February 12, 2010, Informal Fact-Finding Conference; February 18, 2010, Informal Fact-Finding Conference; and March 10, 2010, Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Taylor and Wells.

Liz Hayes, Fair Housing Administrator, updated the Board on the current Fair Housing case load.

In the matter of **Demosthenis Grivas v. Sadhana Luthra, Judith A. Isom, and Metro Realty & Land Group, REB File Number 2010-01630**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Recommendation and Official Consultation Memorandum from the Office of the Attorney General. John Skuro, respondent, was present and addressed the Board. A motion was made by Mr. Gaeser and seconded by Mr. Wells to close the case with a finding of no reasonable cause. The motion passed by majority vote. Members voting "Yes" were, Clark, Clarke, Daniels, Gaeser, and Wells. Members voting "No" were Childress, Johnson and Taylor. Mr. Brown abstained from voting in the matter.

In the matter of **Victor and Liubov Mercado v. Camelita Dallas, REB File Number 2010-00450**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Recommendation. A motion was made by Ms. Clark and seconded by Mr. Gaeser to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Taylor and Wells.

In the matter of **Robert and Ann Lebrun v. United Property Associates, Inc. and Bernie J. Grablowsky, REB File Number 2009-03646**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Recommendation. The case was deferred to the next Board meeting.

In the matter of **Sandra Tabb v. Steven Rowe, REB File**

**Fair Housing  
Administrators  
Report**

**Demosthenis Grivas  
v. Sadhana Luthra,  
Judith A. Isom, and  
Metro Realty &  
Land Group, REB  
File Number 2010-  
01630**

**Victor and Liubov  
Mercado v. Camelita  
Dallas, REB File  
Number 2010-00450**

**Robert and Ann  
Lebrun v. United  
Property Associates,  
Inc. and Bernie J.  
Grablowsky, REB  
File Number 2009-  
03646**

**Settlement**

**Number 2008-03947**, a motion was made by Ms. Clark and seconded by Ms. Daniels to approve the terms of the settlement agreement as agreed to by the parties. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Taylor and Wells.

**Agreement**

A motion was made by Ms. Clark and seconded by Ms. Daniels to approve the Fair Housing Sub-Committee minutes of January 28, 2010. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Taylor and Wells.

**Fair Housing  
Minutes**

In the matter of **File Number 2010-02172, Jason Harris**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Harris, the applicant, was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Harris’ application for a real estate salesperson’s license. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Taylor and Wells.

**File Number 2010-  
02172, Jason Harris**

In the matter of **File Number 2010-02305, Richard Thompson**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Mr. Thompson, the applicant, and Karrina Brown, broker, were present and addressed the Board. A motion was made by Mr. Gaeser, and seconded by Ms. Daniels to remand the case to another Informal Fact-Finding Conference to be heard by a Board member. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Taylor and Wells.

**File Number 2010-  
02305, Richard  
Thompson**

In the matter of **File Number 2010-02295, Ronald Singletary**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr.

**File Number 2010-  
02295, Ronald  
Singletary**

Singletary, applicant, was present and addressed the Board. A motion was made by Mr. Gaeser and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Singletary's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Taylor and Wells.

In the matter of **File Number 2010-02171, Mark V. Moomjian**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Moomjian, applicant, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Moomjian's application for a real estate salesperson's license, with the following amendment: Mr. Moomjian's license is subject to an agreement for licensure for a period of two year wherein Mr. Moomjian and his broker would provide quarterly reports to the Board. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Taylor and Wells.

**File Number 2010-02171, Mark V. Moomjian**

In the matter of **File Number 2010-02686, Patrick Samson**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Samson, applicant, was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Samson's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Taylor and Wells.

**File Number 2010-02686, Patrick Samson**

In the matter of **File Number 2010-02017, Elberta Jones**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding

**File Number 2010-02017, Elberta Jones**

Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Ms. Jones, applicant, and Ann Mead, witness, were present and addressed the Board. A motion was made by Mr. Gaeser, and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Ms. Jones' application for a real estate broker's license with the following amendment: Ms. Jones' license is subject to an agreement for licensure for a period of two years wherein Ms. Jones' would provides quarterly reports to the Board. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor.

As the presiding Board member, Mr. Wells did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2010-02018, William S. Short, Jr.**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the Board member. Mr. Short, applicant, was present and addressed the Board. A motion was made by Mr. Gaeser, and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Short's application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Taylor and Johnson.

**File Number 2010-02018, William S. Short, Jr.**

As the presiding Board member, Mr. Wells did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2009-02500, Wilburn M. Blount**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Daniels and seconded by Mr. Gaeser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.10 (Count 1) of Board's 2003 Regulations, a violation of 18 VAC 135-20-260.11 (Count 2) of Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress,

**File Number 2009-02500, Wilburn M. Blount**

Clark, Clarke, Daniels, Gaeser, Taylor and Wells.

A motion was made by Mr. Gaeser and seconded by Ms. Daniels to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead impose a monetary penalty of \$1,650.00 for the violation contained in Count 1, and \$2,500.00 for the violation contained in Count 2, for a total of \$4,150.00. In addition, for the violation of Count 1, Blount's license will be placed on probation. While on probation, Blount shall be required to attend and successfully complete six (6) classroom hours of Board approved continuing education pertaining to Real Estate Escrow. Such course(s) shall be completed in a classroom. Blount shall provide evidence acceptable to the Board that he has successfully completed the course(s) within three (3) months of the effective date of the Order. The above-referenced continuing education hours will not count towards any Board required education requirements, if applicable, for renewal, reinstatement, or activation of a license. The classroom hours were increased and required to be completed in three (3) months due to the seriousness pertaining to escrow accounts. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser and Taylor.

As the presiding Board member and Board member that reviewed the file, Ms. Johnson and Mr. Wells did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2010-00704, George J. Fleck, Jr.**, the Board reviewed the Consent Order as seen and agreed to by Mr. Fleck. A motion was made by Ms. Daniels and seconded by Mr. Gaeser to accept the proposed Consent Order offer wherein Mr. Fleck admits to a violation of 18 VAC 135-20-260.10 (Count 1) of the Board's 2003 Regulations, and a violation of §54.1-2135.A.5 (Count 2) of the *Code of Virginia*, and agrees to a monetary penalty of \$1,650.00 for the violation contained in Count 1, \$350.00 for the violation of Count 2, as well as \$150.00 in Board costs for a total of \$2,150.00. In addition, for violation of Count 1 and Count 2, Fleck agrees to revocation of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Taylor and Wells.

**File Number 2010-00704, George J. Fleck, Jr.**

As the Board member who reviewed the file, Ms. Johnson did

not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2010-00834, Constance R. Walton**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Mr. Wells and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.5 (Count 1) of Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Taylor and Wells.

**File Number 2010-00834, Constance R. Walton**

A motion was made by Ms. Daniels and seconded by Ms. Childress to impose the following sanctions: Walton's license is placed on probation for a period of three years. While on probation, Walton, and her broker, must report on a quarterly basis to the Board that she is in compliance with the rules and regulations of the Board. In addition, Walton shall attend and successfully complete continuing education which is to include two (2) classroom hours pertaining to Ethics and Standards of Conduct; and two (2) classroom hours pertaining to Legal Updates. Such courses shall be completed in a classroom. Also, Walton shall provide evidence acceptable to the Board that she has successfully completed the courses within three (3) months of the effective date of the Order. Satisfactory completion of the above-referenced courses will not count towards any continuing education requirements, if applicable, for renewal, reinstatement, or activation of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Taylor and Wells.

As the presiding Board member, Ms. Johnson did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2010-02296, Trevelyn Otts**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Mr. Gaeser and seconded by Ms. Clark to accept the

**File Number 2010-02296, Trevelyn Otts**

recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Ms. Otts' application for a real estate salesperson's license, noting a correction to the file number in the Summary of the Informal Fact-Finding Conference to read 2010-02296. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Taylor and Wells.

In the matter of **File Number 2010-00426, Mozellar Hetherington**, the Board reviewed the Consent Order as seen and agreed to by Ms. Hetherington. A motion was made by Ms. Johnson and seconded by Ms. Childress to accept the proposed Consent Order offer wherein Ms. Hetherington admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2008 Regulations, and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$650.00. In addition, for the violation of Count 1, Hetherington agrees to complete at least four (4) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Taylor and Wells.

**File Number 2010-00426, Mozellar Hetherington**

In the matter of **File Number 2009-04351, Helennah H. Park**, the Board reviewed the Consent Order as seen and agreed to by Ms. Park. A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the proposed Consent Order offer wherein Ms. Park admits to a violation of 18 VAC 135-20-310.2 (Count 1) of the Board's 1999 Regulations, and a violation of 18 VAC 135-20-210.B (Count 2) of the Board's 1999 Regulations, and agrees to no monetary penalty for the violation contained in Count 1 and Count 2, as well as no Board costs. In addition, for violation of Count 1 and Count 2, Park agrees to revocation of her license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Taylor and Wells.

**File Number 2009-04351, Helennah H. Park**



In the matter of **File Number 2010-00643, Mark D. Worrilow**, the Board reviewed the Consent Order as seen and agreed to by Mr. Worrilow. A motion was made by Ms. Johnson and seconded by Ms. Clark to accept the proposed Consent Order offer wherein Mr. Worrilow admits to a violation of 18 VAC 135-20-185.C.2 (Count 1) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$650.00. In addition, for violation of Count 1, Worrilow agrees to complete at least four (4) classroom hours of Board-approved education pertaining to Escrow Management and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Taylor and Wells.

**File Number 2010-00643, Mark D. Worrilow**

In the matter of **File Number 2010-01885, Ramsey L. Hamilton**, the Board reviewed the Consent Order as seen and agreed to by Mr. Hamilton. A motion was made by Ms. Clark and seconded by Mr. Gaeser to accept the proposed Consent Order offer wherein Mr. Hamilton admits to a violation of 18 VAC 135-20-260.10 (Count 1) of the Board's 2003 Regulations, and agrees to no monetary penalty for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$150.00. It is noted that the Complainant has been reimbursed, therefore, no monetary penalty is imposed for Count 1. In addition, for violation of Count 1, Hamilton agrees to complete at least four (4) classroom hours of Board-approved education pertaining to Real Estate Finance and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Wells.

**File Number 2010-01885, Ramsey L. Hamilton**

As the Board member who reviewed the file, Ms. Taylor did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2010-00884, Evody S. Routier**, the Board reviewed the Consent Order as seen and agreed to by Ms. Evody. A motion was made by Mr. Wells and seconded by Ms. Childress to accept the proposed Consent Order offer wherein Ms. Routier admits to a violation of 18 VAC 135-20-260.10 (Count 1) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$1,650.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$1,800.00. In addition, for violation of Count 1, Routier agrees to complete at least eight (8) classroom hours of Board-approved education pertaining to Ethics and Standards of Conduct and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced education hours will not count towards any continuing education requirements, if applicable, for renewal of license. Further, Routier agrees to enter into an Agreement for Licensure, which requires that she and her principal broker report to the Board quarterly that Routier is in compliance with the rules and regulation of the Board, for a period of one (1) year. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Gaeser, Johnson, Taylor and Wells.

**File Number 2010-00884, Evody S. Routier**

As the Board member who reviewed the file, Ms. Daniels did not participate in the discussion or vote pertaining to this matter.

The Board recessed from 10:05 A.M. to 10:15 A.M.

**Break**

The Board reviewed the Education Committee Report. A motion was made by Ms. Childress and seconded by Mr. Gaeser to accept the March 17, 2010, Education Committee Report and the recommendations contained within the report. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Taylor and Wells.

**Education Committee Report**

Ms. Martine gave the Board a legislative update. No action was taken by the Board.

**Old Business**

Sharon Johnson gave the Board an update from the March 17, 2010 Real Estate Board Regulatory Review Committee meeting. The next Real Estate Board Regulatory Review Committee meeting will be held on May 19, 2010 at 10:00 a.m. No action was taken by the Board.

Ms. Martine gave the Board an update on cases in receivership. No action was taken by the Board.

Mr. DeBoer introduced the Board to Heather Martin, the BPOR liaison for the Real Estate Board.

**New Business**

Mr. DeBoer opened the floor for nominations for the position of Chair of the Real Estate Board. Marjorie Clark nominated Carol Clarke for the position of Chair. Judy Childress nominated Byrl Taylor for the position of Chair. With no other nominations, the nominations were closed. Members voting for Carol Clarke for Chair were Johnson, Clark, Brown and Clarke. Members voting for Byrl Taylor for Chair were Childress, Daniels, Gaeser, Taylor and Wells. Byrl Taylor was named Chair of the Real Estate Board by majority vote.

**Administrative Issues**

Mr. DeBoer opened the floor for nominations for the position of Vice-Chair of the Real Estate Board. Clifford Wells nominated Scott Gaeser for the position of Vice-Chair. Carol Clarke nominated Sharon Johnson for the position of Vice-Chair. With no other nominations, the nominations were closed. Members voting for Scott Gaeser for the position of Vice-Chair were Childress, Daniels, Gaeser, Johnson and Wells. Members voting for Sharon Johnson for the position of Vice-Chair were Brown, Clark, Clarke and Johnson. Scott Gaeser was named Vice-Chair of the Real Estate Board by majority vote.

There being no further business, the Board adjourned at 10:58 A.M.

**Adjourn**

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Byrl Taylor, Chair

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Jay DeBoer, Secretary